

ESTTA Tracking number: **ESTTA703069**

Filing date: **10/19/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	General Motors LLC
Granted to Date of previous extension	10/18/2015
Address	300 Renaissance Center Detroit, MI 48265-3000 UNITED STATES
Attorney information	Marie Anne Mastrovito Abelman Frayne & Schwab 666 Third Avenue New York, NY 10017 UNITED STATES MAMASTROVITO@lawabel.com, timothy.g.gorbatoff@gm.com Phone:2128859248

Applicant Information

Application No	86417911	Publication date	04/21/2015
Opposition Filing Date	10/19/2015	Opposition Period Ends	10/18/2015
Applicant	Maritan, Daniele via novara 224 borgomanero, 28021 ITALY		

Goods/Services Affected by Opposition

Class 012. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Motor vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4246306	Application Date	08/13/2009
Registration Date	11/20/2012	Foreign Priority Date	NONE
Word Mark	CADILLAC ATS		

Design Mark	CADILLAC ATS
Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 2012/08/29 First Use In Commerce: 2012/08/29 Motor land vehicles, namely, automobiles, sport utility vehicles, trucks and vans, excluding light metal rims for vehicle wheels

Attachments	77803563#TMSN.png(bytes) ATS NOTICE OF OPPOSITION.pdf(471428 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/mam/
Name	Marie Anne Mastrovito
Date	10/19/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application No. 86/417911 for the mark ATS AND DESIGN, Published April 21, 2015

GENERAL MOTORS LLC

Opposer,
v.

DANIELE MARITAN

Applicant.

Opposition No.

NOTICE OF OPPOSITION

General Motors LLC, a limited liability company organized and existing under the laws of Delaware, with an office at 300 Renaissance Center, Detroit, Michigan (“Opposer”), believes that it will be damaged by registration of the above identified trademark and hereby opposes the same.

As grounds for opposition it is alleged that:

1. On October 8, 2014, Daniele Maritan (“Applicant”) filed an application seeking registration of the mark ATS AND DESIGN as shown below:



(hereinafter, “Applicant’s Mark”). The Application was assigned Serial No. 86/417911 (hereinafter, “Applicant’s Application”).

2. The Applicant's Application is based on Applicant's intention to use Applicant's Mark in commerce under Section 1(b) of the Trademark Act and covers the following goods:

Class 12: Motor vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor, (hereinafter, "Applicant's Goods")

3. Opposer is the owner of all right, title and interest to the trademark mark ATS for vehicles, namely, automobiles, (excluding light metal rims for vehicle wheels).
4. Opposer has used the trademark ATS in connection with motor land vehicles, namely automobiles since long prior to the filing date of Applicant's application for ATS and Design.
5. Opposer is the owner of Registration No. 4246306 for the trademark CADILLAC ATS for motor land vehicles, namely, automobiles, sport utility vehicles, trucks and vans (excluding light metal rims for vehicle wheels), (hereinafter "Opposer's Goods"). A status and title copy of the registration is attached as Exhibit A.
6. Opposer has used the trademark CADILLAC ATS and ATS (hereinafter "Opposer's Marks") in commerce since at least as early as August 29, 2012.
7. Opposer's first use and registration of Opposer's Marks were well in advance of the filing date of Applicant's Application and in advance of any use Applicant has made of Applicant's Mark in U.S. commerce.
8. The Applicant's Mark is identical in part and otherwise substantially similar to Opposer's Marks.
9. Applicant has incorporated the ATS element in its entirety.
10. Applicant's Goods are identical to or otherwise closely related to Opposer's Goods and Services.

11. As a result of the foregoing, registration of Applicant's Mark, is likely to cause confusion, mistake, or deception of purchasers as to the source of Applicant's Goods and Opposer's Goods.
12. Applicant's Mark should be precluded from registration under Sections 2(d) of the Trademark Act because it so resembles a trademark previously used and registered by Opposer and not abandoned as to be likely when used on or in connection with the Applicant's Goods to cause confusion, to cause mistake, or to deceive.

WHEREFORE, Opposer believes that it has a real interest in this proceeding and will be irreparably damaged by the registration of the Applicant's Mark, and respectfully requests that the Board sustain this Opposition and refuse the registration of the Applicant's Mark.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB

By: 
MARIE ANNE MASTROVITO

Attorneys for Opposer, General Motors LLC

**666 Third Avenue
New York, New York 10017
(212) 949-9022**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **NOTICE OF OPPOSITION** was served by email and first class mail, postage prepaid, this 19th day of October, 2015 upon Applicant at the Applicant's address below. Applicant does not appear to be represented by counsel or to have appointed a domestic representative:

Email to: info@ats-automobili.com

First Class mail to:

Daniele Maritan
Via Novara 224
Borgomanero 28021
ITALY



MARIE ANNE MASTROVITO

EXHIBIT A

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Mark: CADILLAC ATS

CADILLAC ATS

US Serial Number: 77803563

Application Filing Date: Aug. 13, 2009

US Registration Number: 4246306

Registration Date: Nov. 20, 2012

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 20, 2012

Publication Date: Jan. 19, 2010

Notice of Allowance Date: Apr. 13, 2010

Mark Information

Mark Literal Elements: CADILLAC ATS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 0201694, 1570808

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Motor land vehicles, namely, automobiles, sport utility vehicles, trucks and vans, excluding light metal rims for vehicle wheels

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 29, 2012

Use in Commerce: Aug. 29, 2012

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GENERAL MOTORS LLC

Owner Address: 300 RENAISSANCE CENTER
DETROIT, MICHIGAN 482653000
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Timothy G. Gorbatoff

Attorney Primary Email: timothy.g.gorbatoff@gm.com

Attorney Email No

Address:

Authorized:

Correspondent

Correspondent TIMOTHY G. GORBATOFF
Name/Address: GENERAL MOTORS COMPANY
 300 RENAISSANCE CENTER
 DETROIT, MICHIGAN 48265-3000
 UNITED STATES

Phone: 313-665-4719

Fax: 313-665-4976

Correspondent e-mail: timothy.g.gorbatoff@gm.com

Correspondent e-mail Yes
 Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 05, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 20, 2012	REGISTERED-PRINCIPAL REGISTER	
Oct. 19, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 18, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	70884
Oct. 18, 2012	ASSIGNED TO LIE	70884
Oct. 04, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 25, 2012	STATEMENT OF USE PROCESSING COMPLETE	66530
Sep. 19, 2012	USE AMENDMENT FILED	66530
Sep. 19, 2012	TEAS STATEMENT OF USE RECEIVED	
Apr. 27, 2012	AMENDMENT AFTER NOA NOT ENTERED	66530
Apr. 27, 2012	TEAS POST PUBLICATION AMENDMENT RECEIVED	
Mar. 31, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 30, 2012	EXTENSION 4 GRANTED	66530
Mar. 28, 2012	EXTENSION 4 FILED	66530
Mar. 28, 2012	TEAS EXTENSION RECEIVED	
Sep. 15, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 14, 2011	EXTENSION 3 GRANTED	66530
Sep. 12, 2011	EXTENSION 3 FILED	66530
Sep. 12, 2011	TEAS EXTENSION RECEIVED	
Apr. 02, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 01, 2011	EXTENSION 2 GRANTED	66530
Mar. 28, 2011	EXTENSION 2 FILED	66530
Mar. 31, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Mar. 28, 2011	TEAS EXTENSION RECEIVED	
Sep. 23, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 21, 2010	EXTENSION 1 GRANTED	98765
Sep. 21, 2010	EXTENSION 1 FILED	98765
Sep. 21, 2010	TEAS EXTENSION RECEIVED	
Apr. 13, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 19, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 19, 2010	PUBLISHED FOR OPPOSITION	
Dec. 11, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	65864
Dec. 10, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 09, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	65864
Dec. 09, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	65864
Dec. 09, 2009	ASSIGNED TO LIE	65864
Nov. 23, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	

Nov. 19, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 19, 2009	NON-FINAL ACTION E-MAILED	6325
Nov. 19, 2009	NON-FINAL ACTION WRITTEN	70729
Nov. 16, 2009	ASSIGNED TO EXAMINER	70729
Nov. 11, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 04, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 17, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 17, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 18, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 7

Registrant: GENERAL MOTORS LLC

Assignment 1 of 7

Conveyance: SECURITY INTEREST

Reel/Frame: 4155/0688

Pages: 22

Date Recorded: Feb. 25, 2010

Supporting Documents: [assignment-tm-4155-0688.pdf](#)

Assignor

Name: GENERAL MOTORS LLC

Execution Date: Jul. 10, 2009

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

DBA, AKA, TA, Formerly: FORMERLY GENERAL MOTORS COMPANY

Assignee

Name: UAW RETIREE MEDICAL BENEFITS TRUST

Legal Entity Type: TRUST

State or Country Where Organized: NEW YORK

Address: P.O. BOX 14309
DETROIT, MICHIGAN 48214

Correspondent

Correspondent Name: LISA BENKARSKI

Correspondent Address: 300 RENAISSANCE CENTER
MC#482-C23-B21
DETROIT, MI 48265-3000

Domestic Representative - Not Found

Assignment 2 of 7

Conveyance: SECURITY INTEREST

Reel/Frame: 4155/0710

Pages: 24

Date Recorded: Feb. 25, 2010

Supporting Documents: [assignment-tm-4155-0710.pdf](#)

Assignor

Name: GENERAL MOTORS LLC

Execution Date: Jul. 10, 2009

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

DBA, AKA, TA, Formerly: FORMERLY GENERAL MOTORS COMPANY

Assignee

Name: UNITED STATES DEPARTMENT OF THE TREASURY

Legal Entity Type: U.S. GOVERNMENT

State or Country Where Organized: UNITED STATES

Address: 1500 PENNSYLVANIA AVENUE, NW
ROOM 2312
WASHINGTON, DISTRICT OF COLUMBIA 20220

Correspondent

Correspondent Name: LISA BENKARSKI

Correspondent Address: 300 RENAISSANCE CENTER
MC#482-C23-B21
DETROIT, MI 48265-3000

Domestic Representative - Not Found

Assignment 3 of 7

Conveyance: CHANGE OF NAME

Reel/Frame: 4087/0328

Pages: 30

Date Recorded: Oct. 29, 2009

Supporting Documents: [assignment-tm-4087-0328.pdf](#)

Name: GENERAL MOTORS COMPANY

Legal Entity Type: CORPORATION

Assignor

Execution Date: Oct. 16, 2009

State or Country Where
Organized: DELAWARE

Assignee

Name: GENERAL MOTORS LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Address: 300 RENAISSANCE CENTER
DETROIT, MICHIGAN 48265-3000

Correspondent

Correspondent Name: LISA BENKARSKI

Correspondent Address: 300 RENAISSANCE CENTER
MC#482-C23-B21
DETROIT, MI 48265-3000

Domestic Representative - Not Found

Assignment 4 of 7

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4309/0514

Pages: 34

Date Recorded: Nov. 03, 2010

Supporting Documents: [assignment-tm-4309-0514.pdf](#)

Name: UNITED STATES DEPARTMENT OF THE
TREASURY

Legal Entity Type: U.S. GOVERNMENT

Assignor

Execution Date: Apr. 20, 2010

State or Country Where
Organized: UNITED STATES

Assignee

Name: GENERAL MOTORS LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Address: 300 RENAISSANCE CENTER
DETROIT, MICHIGAN 48265-3000

Correspondent

Correspondent Name: LISA BENKARSKI

Correspondent Address: 300 RENAISSANCE CENTER
MC#482-C23-B21
DETROIT, MI 48265-3000

Domestic Representative - Not Found

Assignment 5 of 7

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4310/0145

Pages: 39

Date Recorded: Nov. 04, 2010

Supporting Documents: [assignment-tm-4310-0145.pdf](#)

Name: UAW RETIREE MEDICAL BENEFITS TRUST

Legal Entity Type: TRUST

Assignor

Execution Date: Oct. 26, 2010

State or Country Where
Organized: NEW YORK

Assignee

Name: GENERAL MOTORS LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Address: 300 RENAISSANCE CENTER
DETROIT, MICHIGAN 48265-3000

Correspondent

Correspondent Name: LISA BENKARSKI
Correspondent Address: 23070 ENNISHORE
MC#482-C23-B21
DETROIT, MI 48265-3000

Domestic Representative - Not Found

Assignment 6 of 7

Conveyance: SECURITY INTEREST

Reel/Frame: 4408/0911

Pages: 35

Date Recorded: Nov. 05, 2010

Supporting Documents: [assignment-tm-4408-0911.pdf](#)

Assignor

Name: GENERAL MOTORS LLC
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Oct. 27, 2010

State or Country Where
Organized: DELAWARE

Assignee

Name: WILMINGTON TRUST COMPANY AND ONSTAR, LLC
Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 1110 NORTH MARKET STREET, RODNEY SQUARE NORTH
WILMINGTON, DELAWARE 19890

Correspondent

Correspondent Name: LISA BENKARSKI
Correspondent Address: 300 RENAISSANCE CENTER
MC#482-C23-B21
DETROIT, MI 48265-3000

Domestic Representative - Not Found

Assignment 7 of 7

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: 5389/0932

Pages: 45

Date Recorded: Oct. 22, 2014

Supporting Documents: [assignment-tm-5389-0932.pdf](#)

Assignor

Name: WILMINGTON TRUST COMPANY
Legal Entity Type: CORPORATION

Execution Date: Oct. 17, 2014

State or Country Where
Organized: DELAWARE

Assignee

Name: GENERAL MOTORS LLC
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Address: 300 RENAISSANCE CENTER
DETROIT, MICHIGAN 48265-3000

Name: ONSTAR LLC
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Address: 400 RENAISSANCE CENTER
DETROIT, MICHIGAN 48265-4000

Correspondent

Correspondent Name: TIMOTHY G. GORBATOFF
Correspondent Address: 300 RENAISSANCE CENTER
MC#482-C23-B21
DETROIT, MI 48265-3000

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91202808

Filing Date: Dec 01, 2011

Status: Terminated

Status Date: Jun 12, 2012

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Ralf Schmid

Correspondent Address: WILLIAM F HERBERT
STAAS & HALSEY LLP
1201 NEW YORK AVENUE NW, SUITE 700
WASHINGTON DC , 20005
UNITED STATES

Correspondent e-mail: wherbert@s-n-h.com , docketing@s-n-h.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ATS LEICHTMETALLRÄDER	Registered	<u>79084447</u>	<u>4173389</u>

Plaintiff(s)

Name: General Motors LLC

Correspondent Address: TIMOTHY G GORBATOFF
GENERAL MOTORS LLC
300 RENAISSANCE CENTER
DETROIT MI , 48265-3000
UNITED STATES

Correspondent e-mail: timothy.g.gorbatoff@gm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ATS	Abandoned - After Publication	<u>77802921</u>	
CADILLAC ATS	Registered	<u>77803563</u>	<u>4246306</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 01, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 02, 2011	Jan 11, 2012
3	PENDING, INSTITUTED	Dec 02, 2011	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 22, 2011	
5	EXTENSION OF TIME GRANTED	Dec 22, 2011	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 16, 2012	
7	EXTENSION OF TIME GRANTED	Feb 16, 2012	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 16, 2012	
9	EXTENSION OF TIME GRANTED	Apr 16, 2012	
10	WITHDRAWAL OF OPPOSITION	May 21, 2012	
11	BD'S DECISION: DISMISSED W/O PREJUDICE	Jun 12, 2012	
12	TERMINATED	Jun 12, 2012	

Type of Proceeding: Opposition

Proceeding Number: 91201643

Filing Date: Sep 07, 2011

Status: Terminated

Status Date: May 24, 2012

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Ralf Schmid

Correspondent Address: WILLIAM F HERBERT
STAAS & HALSEY LLP
1201 NEW YORK AVE NW, SUITE 700
WASHINGTON DC , 20005
UNITED STATES

Correspondent e-mail: wherbert@s-n-h.com , docketing@s-n-h.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ATS LEICHTMETALLRÄDER	Registered	<u>79084586</u>	<u>4166162</u>

Plaintiff(s)**Name:** General Motors LLC**Correspondent Address:** TIMOTHY G GORBATOFF
GENERAL MOTORS LLC
300 RENAISSANCE CENTER, MAIL CODE 482-C23-B21
DETROIT MI , 48265-3000
UNITED STATES**Correspondent e-mail:** timothy.g.gorbatoff@gm.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ATS	Abandoned - After Publication	<u>77802921</u>	
CADILLAC ATS	Registered	<u>77803563</u>	<u>4246306</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 07, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 15, 2011	Oct 25, 2011
3	PENDING, INSTITUTED	Sep 15, 2011	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 11, 2011	
5	EXTENSION OF TIME GRANTED	Oct 11, 2011	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 22, 2011	
7	EXTENSION OF TIME GRANTED	Dec 22, 2011	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 16, 2012	
9	EXTENSION OF TIME GRANTED	Feb 16, 2012	
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 16, 2012	
11	EXTENSION OF TIME GRANTED	Apr 16, 2012	
12	WITHDRAWAL OF OPPOSITION	May 21, 2012	
13	BD'S DECISION: DISMISSED W/O PREJUDICE	May 24, 2012	
14	TERMINATED	May 24, 2012	